

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SHANE GUAY,

Defendant.

19-CR-103-JLS-HKS

**STATEMENT OF DEFENDANT WITH
RESPECT TO SENTENCING FACTORS**

JEFFREY T. BAGLEY, affirms under penalty of perjury that:

I am an Assistant Federal Public Defender in the Western District of New York and represent the Defendant, Shane Guay, in this action brought by the United States of America. I make this affirmation in accordance with United States Sentencing Guidelines § 6A1.2 and Federal Rule of Criminal Procedure 32(f).

I have reviewed the Presentence Report and have discussed it with Mr. Guay. The Defendant has no objections to material information, sentencing guideline ranges, or policy statements contained in or omitted from the report at this time.

The Defendant requests that the Court advise him about all information which it will consider in imposing sentence which negatively impacts the Defendant and about which the Defendant has no prior notice from the presentence report, including, but not limited to, *ex parte* communications with United States Probation Officers and victims. *See United States v. Mueller*,

168 F.3d 186 (5th Cir. 1999); *United States v. Corace*, 146 F.3d 51 (2d Cir. 1998); *United States v. Rivera*, 96 F.3d 41 (2d Cir. 1996).

DATED: Buffalo, New York, April 15, 2021.

Respectfully submitted,

/s/ Jeffrey T. Bagley

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TO: Meghan A. Tokash
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Matthew G. Zenger
United States Probation Officer